

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

United States of America,

) Case No. 17-cv-70721-2 MAG

Plaintiff,

) STIPULATED ORDER EXCLUDING **FILED**  
TIME UNDER THE SPEEDY TRIAL ACT

v.  
Richard Acosta,  
Defendant.

)

MAY 25 2017

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

For the reason stated by the parties on the record on May 25, 2017, the Court excludes time under the Speedy Trial Act from May 25, 2017, to May 26, 2017, and finds that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The Court makes this finding and bases this continuance on the following factors:

- Failure to grant a continuance would be likely to result in a miscarriage of justice.  
*See* 18 U.S.C. § 3161(h)(7)(B)(I).
- The case is so unusual or so complex, due to [circle applicable reasons] the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or the trial itself within the time limits established by this section. *See* 18 U.S.C. § 3161(h)(7)(B)(ii).
- Failure to grant a continuance would deny the defendant reasonable time to obtain counsel, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
- Failure to grant a continuance would unreasonably deny the defendant continuity of counsel, given counsel's other scheduled case commitments, taking into account the exercise of due diligence.  
*See* 18 U.S.C. § 3161(h)(7)(B)(iv).
- Failure to grant a continuance would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.  
*See* 18 U.S.C. § 3161(h)(7)(B)(iv).
- For the reasons stated on the record, it is further ordered that time is excluded under 18 U.S.C. § 3161(b) and waived with the consent of the defendant under Federal Rules of Criminal Procedure 5.1(c) and (d).
- For the reasons stated on the record, it is further ordered that time is excluded under 18 U.S.C. § 3161(h)(1)(E)(F) for delay resulting from removal/transport of the defendant to another district.

IT IS SO ORDERED.

DATED: May 25, 2017

Kandis Westmore  
Kandis A. Westmore  
United States Magistrate Judge

Jeffrey P. Glotzbach Jr.  
Assistant United States Attorney

STIPULATED: Richard H. Y. Acosta  
Attorney for Defendant